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BEFORE THE

# Federal Communications Commission

WASHINGTON, D.C.

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In the Matter of )  
 )  
Amendment of Section 73.202(b) )  
of the Commission's Rules )  
Table of Allotments )  
FM Broadcast Stations )  
(Islesboro, Maine) )

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

MM Docket No. 93-203

RM-8245

To: Chief, Allocations Branch,  
Policy and Rules Division  
Mass Media Bureau

## COUNTERPROPOSAL

Winter Harbor Wireless Associates ("WHWA"), by its attorneys and pursuant to Sections 1.415 and 1.420(d) of the Commission's rules, hereby submits a counterproposal in response to the Mass Media Bureau's Notice of Proposed Rule Making in MM Docket 93-203, DA 93-773, released July 20, 1993. In that Notice, the Commission proposed the allotment of 288B1 to Islesboro, Maine.

Islesboro is an island community located in Penobscot Bay off the coast of Maine. Islesboro is essentially a bedroom community for surrounding larger mainland towns and cities, and is served by several stations. Specifically, the island lies within the Grade B contours of Class B stations WWMJ(FM) and WKSQ(FM), both licensed to Bangor, Maine. In addition, Islesboro is within the Grade A contour of WQSS, Camden, Maine, and will be within the Grade A contour of WBYA, Searsport, Maine when that station becomes operational in the fall of 1993.

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Because Islesboro is already adequately served, WHWA proposes the allotment of Channel 288A to Winter Harbor, Maine. WHWA's proposal is mutually exclusive with the proposed allotment of Channel 288B1 to Islesboro. Specifically, WHWA proposes the following changes to the table of allotments:

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Winter Harbor, Maine	---	288A

This counterproposal would provide Winter Harbor with that community's first local broadcast service, and would provide service to 24,630 persons in an area of 2,100 square kilometers. See Exhibit 1 (Engineering Statement). Winter Harbor is a thriving self-contained fishing town with a year-round population of 1,390 persons based on the 1990 U.S. Census. Id. It is also the site of a major U.S. Naval Communications Base. The town maintains its own schools, fire department, post office, library and many small businesses. Indeed, as Winter Harbor was incorporated in 1895, it is clearly a community for allotment purposes.

From the proposed reference coordinates, a station operating on Channel 288A at Winter Harbor would meet FCC minimum spacing and signal coverage requirements as set forth in Sections 73.207 and 73.315, respectively, of the Commission's Rules. See Exhibit 1.


For the foregoing reasons, WHWA respectfully requests the allotment of Channel 288A at Winter Harbor, Maine. Should this be done, WHWA intends to promptly file an application to build and operate the facility.

Respectfully submitted,

WINTER HARBOR WIRELESS ASSOCIATES

By: 

David D. Oxenford  
Matthew P. Zinn

Its Attorneys 

FISHER, WAYLAND, COOPER  
AND LEADER  
1255 23rd Street, N.W.  
Suite 800  
Washington, D.C. 20037-1170  
(202) 659-3494

Date: September 9, 1993

**EXHIBIT 1**

Federal Communications Commission  
1919 M St., N.W.  
Washington, D.C. 20554

TO: Chief, Allocations Branch

RE: MM Docket No. 93-203

In the Matter of Amendment of Section 73.202(b) RM-8245  
Table of Allotments.  
FM Broadcast Stations.  
(Islesboro, Maine)

In response to the comment period in the above matter,  
Winter Harbor Wireless Associates (WHWA) herein submits a  
counter-proposal.

Islesboro, Maine, being basically a bedroom community for  
surrounding larger mainland towns and citys, is already  
served by several stations. The island lies within the Grade  
B contours of two Bangor class B FMs, WWMJ and WKSQ, plus it  
is within the Grade A contour of WQSS in Camden, and will be  
within the Grade A contour of WBYA in Searsport when that  
station comes on the air in the fall of 1993.

Thus, believing that Islesboro is already adequately served,  
WHWA suggests that the public good would more adequately be  
served by allocating Channel 288 (A) to Winter Harbor, Me.,  
and seeks that the FM Table of Allotments be amended,  
as follows:

Location	Present	Proposed
Winter Harbor, ME	---	288-A

Allocating Channel 288-A to Winter Harbor, Me., is clearly justified, and in the public interest. The following is in support of this proposal.

a. First Local Broadcast Service

The town of Winter Harbor, has no local Broadcast Service within the community. The community, with a year-round population of approximately 1,400 persons, is a thriving self contained fishing town, as well as the sight of a major Naval Communications Base. Winter Harbor maintains it's own schools, fire department, post-office, library and many small businesses.

The proposed facility would provide service to a substantial area and population. The attached Engineering Exhibit, shows that a new FM facility at Winter Harbor, Me, would provide service to 24,630 persons in an area of 2100 square kilometers, obviously an efficient use of the radio spectrum.

Construction of a new FM facility would assist the town with promotion of it's tourist industry. Winter Harbor, a beautiful seacoast community has great potential to become an active tourist center. Tourist industry reports for nearby areas, show in excess of 4 million visitors each year. With a new Broadcast Service to aid in the expansion of tourism, the town could experience tremendous economic growth.

b. Engineering

The attached Engineering Exhibit includes a complete search of the FM band. It shows that Winter Harbor would receive city grade service. Allocation of Channel 288-A to Winter Harbor, Me., meets all allocation standards established by the Federal Communications Commission, and would not negatively impact other broadcast facilities.

c. Petition To Apply For Channel 288-A

If the Federal Communications Commission agrees with this proposal, and modifies the Table of Allotments as outlined herein, Winter Harbor Wireless Associates will make application for a construction permit, and if the construction permit is awarded, will build the facility. WHWA is financially qualified to construct and operate this facility.

d. Summary

WHWA maintains that Islesboro, Me is already being adequately served by several FM radio stations in the nearby area, and that the public interest would best be served by a grant of this proposal to allocate Channel 288-A to Winter Harbor, Me., it's first local broadcast service.

WHWA believes that sufficient and compelling evidence exists to show that such an allocation would aid in the development of the community and create jobs and economic growth through the tourism industry, as well as aid in supporting other industries.

In view of the above outlined facts, Winter Harbor Wireless Associates requests that the FM Table of Allotments (Section 73.202 (b) be amended to allot Channel 288-A to Winter Harbor, Maine.

Respectfully submitted,  
Winter Harbor Wireless Associates

by   
Howard L. Soule, Engineer

September 3, 1993



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# COMMUNICATIONS SERVICE COMPANY

CONSULTING/ENGINEERING FOR BROADCAST, TELECOMMUNICATIONS, MICROWAVE

**ENGINEERING STATEMENT ON BEHALF OF**

**Winter Harbor Wireless Associates**

**August 25, 1993**



**ENGINEERING STATEMENT ON BEHALF OF**

**Winter Harbor Wireless Associates**

**In the matter of MM No. 93-203 (Counter Proposal)**

**In support of it's plea to amend the FM Table of Allotments  
Channel 288-A to Winter Harbor, Maine**

**Communications Service Company has prepared this exhibit on  
behalf of Winter Harbor Wireless Associates in support of it's  
counter proposal in the above mentioned matter.**

**WHWA requests amendment of the Table of Allotments  
as follows:**

<b>Location</b>	<b>Present</b>	<b>Proposed</b>
<b>Winter Harbor, ME</b>		<b>288-A</b>

**Reference coordinates used in this study are:**

**44-23-21 North  
68-04-16 West**

**A facility operating as a full class A, will provide a  
60dbu coverage contour to a population of 24,630 persons  
in a 2100 square kilometer area. The Winter Harbor Town  
office indicates a year round population of 1390 persons  
based on the 1990 Census.**

**This proposal was evaluated in accordance with established  
FCC guidelines to determine spacing requirements. This  
evaluation is seen in Exhibit E-1. The exhibit clearly  
shows that this proposal meets all FCC spacing requirements.**

**This proposal was evaluated to determine if the proposed  
site meets FCC signal coverage requirements. Using a 30  
second data base, and computing average terrain from  
3 to 16 kilometers, using FCC F(50,50) curves, the average  
distance to the 70 dbu contour is approximately 21  
kilometers. Since the proposed site lies within the town  
limits of Winter Harbor, this proposal clearly meets the  
coverage requirements of 73.315.**

**Winter Harbor Wireless Associates**

**Engineering Exhibit E-1**

**Petition to amend the FM Table of Allotments**

**Channel 288A to Winter Harbor, Maine**

**FM Channel 288-A**

**Latitude: 44 23 21 N**

**Longitude: 68 04 16 W**

<b>CHNL</b>	<b>CALL</b>	<b>CITY</b>	<b>CALC. DIST.</b> <b>km</b>	<b>REQ.</b> <b>km</b>	<b>CLR.</b>	<b>BEARING</b> <b>degrees</b>
234	NO CONFLICT					
235	NO CONFLICT					
285	NO CONFLICT					
286	NO CONFLICT					
287	NO CONFLICT					
288B		Thetford Mines,				
		Quebec	386.7	206	180.7	326.8
289C2	WHMX	Lincoln,				
		Maine	111.4	106	5.4	342.3
290B	WRKH	Bath,				
		Maine	97.34	69	28.3	253.5
291	NO CONFLICT					

**COMMUNICATIONS SERVICE COMPANY**  
CONSULTING/ENGINEERING FOR BROADCAST, TELECOMMUNICATIONS, MICROWAVE

**ENGINEERING STATEMENT ON BEHALF OF**

**Winter Harbor Wireless Associates**

In the matter of MM No. 93-203 (Counter Proposal)

In support of it's plea to amend the FM Table of Allotments  
Channel 288-A to Winter Harbor, Maine

**SUMMARY**

- A. The proposal will provide Winter Harbor with it's first local broadcast service.
- B. This proposal meets all requirements of FCC Rules, Sections 73.207 and 73.315.

by:



Howard L. Soule  
Consulting Radio Engineer


CERTIFICATE OF SERVICE

I, Denise Sullivan, a secretary in the law firm of Fisher, Wayland, Cooper and Leader, hereby certify that I have this 9th day of September, 1993, sent a copy of the foregoing "COUNTERPROPOSAL" by first-class U.S. mail, postage prepaid, to the following:

\*Michael C. Ruger, Chief  
Allocations Branch  
Policy and Rules Division  
Mass Media Bureau  
Federal Communications Commission  
2025 M Street, N.W., Room 8322  
Washington, D.C. 20554

\*Kathleen Scheuerle  
Mass Media Bureau  
Federal Communications Commission  
2025 M Street, N.W., Room 8314  
Washington, D.C. 20554

Richard J. Hayes, Jr., Esq.  
13809 Black Meadow Road  
Spotsylvania, Virginia 22553  
Counsel for Islesboro Broadcasting Company

  
Denise Sullivan

\*Hand Delivered